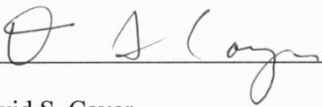


Federal Rule of Civil Procedure 12(c) provides that “[a]fter the pleadings are closed but within such time as not to delay the trial, any party may move for judgment on the pleadings.” Fed. R. Civ. Pro. 12(c). In resolving a motion for judgment on the pleadings, the Court must accept all of the non-movant’s factual averments as true and draw all reasonable inferences in its favor. Bradley v. Ramsey, 329 F. Supp.2d 617, 622 (W.D.N.C. 2004); Atwater v. Nortel Networks, Inc., 394 F. Supp.2d 730, 731 (M.D.N.C. 2005). Judgment on the pleadings is warranted where the undisputed facts demonstrate that the moving party is entitled to judgment as a matter of law. Bradley, 329 F. Supp.2d at 622. Having carefully reviewed the pleadings and applicable authority, the Court concludes that taking the facts and reasonable inferences in

the light most favorable to the non-moving party, Plaintiff is not entitled to judgment as a matter of law on its claims for breach of guaranty and attorneys' fees. Therefore, the Motion for Partial Judgment on the Pleadings is DENIED.

SO ORDERED.

Signed: February 22, 2013

A handwritten signature in dark ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

